


# EXHIBIT 78

<b>Colorado Department of Health Care Policy and Financing</b> 1570 Grant St., Denver, CO 80203-1818	<b>NUMBER:</b> HCPF 05-007
	<b>CROSS REFERENCE:</b> MA-01-3-P
<b>DIVISION OR OFFICE:</b> Medical Assistance Office	<b>DATE:</b> June 28, 2005
<b>SUBJECT AREA:</b> Medicaid Eligibility	
<b>SUBJECT:</b> Emergency Medicaid for Undocumented Immigrants  <b>TYPE: P - Procedure</b>	<b>APPROVED BY:</b>  Barbara Prehmus

*HCPF Agency Letters can be accessed online at:  
[www.chcpf.state.co.us](http://www.chcpf.state.co.us) >>Reference Material >>Agency Letters*

**Purpose:**

This agency letter from the Colorado Department of Health Care Policy and Financing (HCPF) will define the processes and policies around proper determination of emergency Medicaid services for Colorado's undocumented immigrants. Please distribute this agency letter to eligibility technicians who handle Medicaid cases. This agency letter supersedes agency letter MA-01-3-P.

**Background:**

In Health Care Policy and Financing Staff Manual Volume 8, Section 8.100.53 lists the immigrant groups who are eligible for Medicaid. However, undocumented immigrants who are not in one of those groups, but who meet all of the other requirements for any category of Medicaid, are eligible for Medicaid for an emergency medical condition. An emergency medical condition is defined in Section 8.100.53 as follows:

For undocumented immigrants receiving Medicaid emergency only benefits, the following medical conditions will be covered:

An emergency medical condition is a medical condition (including labor and delivery) which manifests itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- a) placing the patient's health in serious jeopardy,
- b) serious impairment of bodily function, or
- c) serious dysfunction of any bodily organ or part.

A physician shall make a written statement certifying the presence of a medical emergency condition when services are provided and shall indicate that services were for a medical emergency on the claim form.

Coverage is limited to care and services that are necessary to treat immediate emergency medical conditions. Coverage does not include prenatal care or follow-up care, such as postpartum care.

The undocumented immigrants must have an emergency medical condition and receive emergency medical services in order to be eligible for emergency medical assistance. Eligibility for emergency medical assistance ends after the emergency service has been provided.

**Procedure:**

Emergency medical condition other than labor and delivery: An **undocumented immigrant who is otherwise eligible for a category of Medicaid** must submit an application for emergency medical services at the time of the emergency or thereafter. According to the rules in 8.100.53, a physician shall make a written emergency Medicaid statement certifying the presence of an emergency medical condition when the services are provided. This documentation must be submitted with the application. If it is apparent to the technician that the service was provided for a condition that is not an emergency medical condition as defined in the rule, the application must be denied. As with all Medicaid applications, the date of eligibility may be backdated up to three months prior to the date of the application if the emergency medical services were provided during that period of time and they met other eligibility criteria. Emergency medical assistance must be terminated after the services were provided. Labor and delivery are considered emergency medical conditions. For labor and delivery, a different application process is required as stated below.

Labor and delivery: When a county technician receives an application from an undocumented immigrant pregnant woman, the technician will need to process the application and verify that CBMS has approved the application for Emergency Medical Services only. There is no postpartum care for undocumented immigrant women. Therefore, these cases are to be discontinued at the end of the month of the labor and delivery.

Redeterminations: In the past, undocumented immigrants have continued to retain eligibility for Medicaid even if they were not experiencing an emergency medical condition. This is not the correct procedure according to federal and state law. Therefore, a redetermination should be done on those cases as soon as possible. It must be determined if the client is presently experiencing an emergency medical condition. Do not terminate Medicaid eligibility for any women who are currently pregnant.

**Effective Date:**

Immediately



**Contact Persons:**

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